

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
No. 1:23-cv-00811-LCB-JEP

DAVID RYAN WOOD,

Plaintiff,

v.

WELLPATH, LLC; THE COUNTY OF
ROWAN; J. TRAVIS ALLEN in his Official
capacity; KEVIN AUTEN in his in Individual
capacity; GREGORY HANNOLD in his
Individual and Official capacity; OFFICER
JERRY EWART in his Individual capacity;
JOHN DOE CORPORATION
PENNSYLVANIA NATIONAL MUTUAL
INSURANCE COMPANY; KEVIN JOHN
CORRIGAN in his Individual capacity;
ASHLEY ROWLAND in her Individual
capacity; JACQUELIN MICHELE WILLIAMS
in her Individual capacity; and UNKNOWN
WELLPATH PROVIDER(S),

Defendants.

**DEFENDANTS ROWAN
COUNTY, J. TRAVIS
ALLEN, KEVIN AUTEN,
GREGORY HANNOLD, AND
JERRY EWART'S MOTION
FOR EXTENSION OF TIME
TO FILE ANSWER OR A
MOTION UNDER RULE 12**

NOW COME defendants Rowan County, J. Travis Allen, Kevin Auten, Gregory Hannold, and Jerry Ewart, by and through counsel, and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1, and hereby respectfully move the Court for an extension of time in which to file and serve an answer or a motion under Rule 12 in response to the Complaint filed by Plaintiff David Ryan Wood. In support of this Motion, the defendants Rowan County, J. Travis Allen, Kevin Auten, Gregory Hannold, and Jerry Ewart, state as follows:

1. Plaintiff filed his Complaint on September 25, 2023. (Doc. 2)
2. Defendant Travis Allen and Defendant Jerry Ewart were served with the Summons and Complaint on October 16, 2023, making their answer or other responsive pleading due on November 6, 2023.
3. Defendant Rowan County was served with the Summons and Complaint on October 17, 2023, making its answer or other responsive pleading due on November 7, 2023.
4. Defendant Kevin Auten was served with the Summons and Complaint on October 23, 2023, making his answer or other responsive pleading due on November 13, 2023.
5. Defendant Gregory Hannold was served with the Summons and Complaint on October 31, 2023, making his answer or other responsive pleading due on November 21, 2023.
6. The defendants Rowan County, J. Travis Allen, Kevin Auten, Gregory Hannold, and Jerry Ewart require additional time to investigate the pertinent defenses, law, and facts pertaining to this matter as required to prepare an answer or motion under Rule 12.
7. The moving defendants seek this extension to align the response dates for each of the moving defendants, to allow for a possible omnibus answer and/or motion under Rule 12 if such is in the best interest of the defendants and permitted by the Court.

8. Thus, the defendants Rowan County, J. Travis Allen, Kevin Auten, Gregory Hannold, and Jerry Ewart request an extension of time, up to and including December 15, 2023, in which to file and serve an answer or a motion under Rule 12 in response to Plaintiff's Complaint.

9. This motion is filed in good faith, and not for the purpose of delay.

10. This matter has obviously not yet been set for trial. As such, granting this motion will not interfere with a scheduled trial date.

11. Pursuant to Local Rule 6.1, counsel for the moving defendants consulted with counsel for Plaintiff regarding Plaintiff's position on this motion. Plaintiff consents to this motion on the condition that the time for Plaintiff to respond to any answer or Rule 12 motion filed by the moving defendants be moved to January 19, 2024 to accommodate holiday and vacation conflicts of Plaintiff's counsel. The moving defendants consent to Plaintiff's condition.

12. The defendants Rowan County, J. Travis Allen, Kevin Auten, Gregory Hannold, and Jerry Ewart respectfully request that they be granted an extension of time, up to and through December 15, 2023, in which to file and serve an answer or a motion under Rule 12 in response to Plaintiff's Complaint and that Plaintiff shall be given until January 19, 2024, to respond to any answer or Rule 12 motion filed by the moving defendants.

WHEREFORE, the defendants Rowan County, J. Travis Allen, Kevin Auten, Gregory Hannold, and Jerry Ewart respectfully request that the Court grant them additional time, up to and through December 15, 2023, in which to file an serve an answer or a motion

under rule 12 in response to Plaintiff's Complaint, and that Plaintiff be granted an extension of time, up to and through January 19, 2024, to respond to any answer or Rule 12 motion filed by the moving defendants.

Respectfully submitted this the 1st day of November, 2023.

/s/ James R. Morgan, Jr.
James R. Morgan, Jr.
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Travis Allen, Kevin Auten, Gregory Hannold,
and Jerry Ewart*

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2023, I electronically filed the foregoing **DEFENDANTS ROWAN COUNTY, J. TRAVIS ALLEN, KEVIN AUTEN, GREGORY HANNOLD, AND JERRY EWART'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER OR A MOTION UNDER RULE 12** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all Counsel of record.

/s/ James R. Morgan, Jr. _____

James R. Morgan, Jr.

N.C. State Bar No. 12496

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